

**Substantive Changes Made to
Order No. R1-2009-0038
by the
North Coast Regional Water Quality Control Board
During the June 4, 2009 Public Hearing**

Finding 19, page 5

Riparian zone canopy and shade retention standards included as conditions of this Categorical Waiver are intended to preserve natural shade to meet the Basin Plan temperature objectives and constitute compliance with temperature TMDL implementation requirements.

Finding 30, page 8

The Executive Officer or Regional Board shall terminate the applicability of this Order to any timber harvest activities at any time when such termination is in the public interest and/or the timber harvest activities could affect the quality or beneficial uses of the waters of the state.

Section I(E)(4)(b), page 15

- a. All trees that are providing shade to Class I and Class II streams during critical summer months (i.e. June, July, August, and September), whether the trees are inside or outside the WLPZ or streamside buffer zone, shall be retained, when the overstory canopy within the first 75 feet of a Class I WLPZ or streamside buffer zone (50 feet for Class II WLPZs or streamside buffer zones) is less than 85 percent (%), or when the overstory canopy beyond the first 75 feet of a Class I WLPZ or streamside buffer zone (50 feet for Class II WLPZs or streamside buffer zones) is less than 65 percent (%). Any shade tree outside of the WLPZ, which must be retained, shall be marked as a "leave tree." Alternative percent shade retention received in writing may be approved by the Executive Officer, if the discharger demonstrates that such an alternative provides equal or better protection.

Section III, pages 22 and 23

However, Non-Industrial Timber Management Plans that were waived under Order No. R1-2004-0016 must apply for coverage under Categorical Waiver E prior to the next notice of timber operations (NTO) submitted after June 4, 2010. Those NTMPs applying for coverage under this Order must meet the applicable eligibility criteria and conditions. Previously waived NTMPs must develop and submit an ECP as specified in Attachment B for each NTO submitted after June 4, 2010. Such previously waived plans must complete and submit, an ECP for the entire NTMP area to the Regional Board by the first NTO submitted after June 4, 2014.

The Executive Officer may, upon receipt of a NTO, modify the ECP and/or road plan requirements, (including timing and extent of the required submittal), based on the following:

- terms and conditions of the NTMP,
- amount of total NTMP acreage,
- existence of a Ranch or Road Plan prepared by a qualified professional,
- CESA compliance or acceptable CAL FIRE impaired or special watershed prescription or T/I rule,
- the need for fire reduction,
- applicable Regional Board adopted sediment Best Management Practices for roads or ranches or,
- other relevant characteristic of the hydrographic unit.